

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF QUEENS: COMMERCIAL PART 52

COMMERCIAL  
Index No. 52603 /18  
NOTICE OF PETITION  
HOLDOVER

-----X  
KIT REALTY INC.,

Petitioner-Landlord

Against

KUM GANG INC.  
138-18/38 Northern Boulevard  
Flushing, NY 11354

Respondent-Tenant,

"XYZ CORP.", "JOHN DOE" AND "JANE DOE",

Respondents-Undertenants.  
-----X

Additional copies were sent by regular and certified mail to KUM GANG INC., at 945 Manhattan Ave., Brooklyn, NY 11222.

To the respondents above named and described, in possession of the premises hereinafter described or claiming possession thereof:

**PLEASE TAKE NOTICE** that a hearing at which you must appear will be held at the Civil Court of the City of New York, County of Queens, located at 89-17 Sutphin Boulevard, Jamaica, New York, **COMMERCIAL Part 52**, Room 408, on February 14, 2018 at 9:30 AM o'clock in the forenoon of that day, on the annexed petition of KIT REALTY INC verified on January 25, 2018, which prays for a final judgment of eviction awarding to the petitioner the possession of the premises described as follows: all rooms at 138-18/38 Northern Boulevard, Flushing, NY 11354, County of Queens, in the City of New York, and further granting to the petitioner such other and further relief as is demanded in the petition, which you must answer.

**TAKE NOTICE** also that demand is made in the petition herein for a final judgment against you awarding possession of the premises to the petitioner-landlord; issuance of a warrant to remove respondents from possession thereof; fair value of use and occupancy; cost and disbursements herein.

**TAKE NOTICE** that your answer may set forth any defense or counterclaim you may have against the petitioner unless such defense or counterclaim is precluded by law or prior agreement between the parties.

**TAKE NOTICE** that your answer may be made at the time of the hearing specified above unless this notice of petition is served upon you on or before eight (8) days prior to the return date in which event you must answer at least three (3) days before the petition is noticed to be heard, either orally before the Clerk of the Court at his office or in writing by serving a copy thereof upon the undersigned attorney for the petitioner, and by filing the original of such written answer with proof of service thereof in the office of the Clerk at least three (3) days before the time the petition is noticed to be heard; in addition thereto, you must appear before the Court at the time and place hereinabove set forth for the hearing.

**TAKE NOTICE** also that if you fail to interpose and establish any defense that you may have to the allegations of the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

**TAKE NOTICE** that under Section 745 of the Real Property Actions and Proceeding Law, you may be required by the Court to make a deposit of use and occupancy, or a payment of use and occupancy to the petitioner, upon your second request for an adjournment or if the proceeding is not settled or a final determination has not been made by the Court within 30 days of the first court appearance. Failure to comply with an initial deposit or payment order may result in the entry of a final judgment against you without a trial. Failure to make subsequent required deposits or payments may result in an immediate trial on the issues raised in your answer.

In the event of your failure to answer and appear, final judgment by default may be entered against you for the relief demanded in the petition.

Dated: Williston Park, New York  
January 25, 2018  
Horing Welikson & Rosen, P.C.  
Attorneys for Petitioner  
11 Hillside Avenue  
Williston Park, New York 11596  
(516) 535-1700 Hwr #720024

Carol Alt  
Chief Clerk of the Civil Court of the City  
of New York

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF QUEENS: COMMERCIAL PART 52

-----X  
KIT REALTY INC.,

Petitioner-Landlord,

COMMERCIAL

Index No. **52603** /18

PETITION HOLDOVER

-Against-

KUM GANG INC.

138-18/38 Northern Boulevard

Flushing, NY 11354

Respondent-Tenant,

"XYZ CORP.", "JOHN DOE" AND "JANE DOE",

Respondents-Undertenants.

-----X

The petition of KIT REALTY INC., alleges the following statements are true upon information and belief:

1. Petitioners, KIT REALTY INC., is the landlord of 138-18/38 Northern Boulevard, Flushing, NY 11354
2. Respondent, KUM GANG INC., is the tenant of the premises, who entered into possession under a rental agreement, made on June 16, 2004, between respondent and landlord for a term starting July 1, 2004 and ending June 30, 2024. Respondent, "XYZ CORP.", "JOHN DOE" AND "JANE DOE" are the undertenants of the aforementioned Respondent Tenant.
3. Premises are described as 138-18/38 Northern Boulevard, Flushing, NY 11354, which is within the jurisdiction of the Civil Court of the City of New York, County of Queens.
4. The grounds for the termination of the lease are enumerated in the Five (5) Day Notice of Termination, a copy of which with proof of service is annexed and is added herein and is specifically incorporated by reference.
5. The Respondents have not quit the premises and continue in possession of the premises without permission of the Landlord-Petitioners after the expiration of the date specified in the Notice of Termination.
6. The premises are not subject to Rent Stabilization or Rent Control Laws due to the fact that it is occupied exclusively for commercial purposes.
7. The premises is not a multiple dwelling.
8. Except for the premises being sought in this proceeding, petitioner lacks written information or notice of any address where the respondent-tenant resides-is employed-has a place of business-has its principal office-place of business in New York State, except; **Additional copies were sent by regular and certified mail to KUM GANG INC., at 945 Manhattan Ave., Brooklyn, NY 11222.**
9. Petitioner requests a final judgment: awarding possession of the premises to the petitioner-landlord; issuance of a warrant to remove respondents from possession thereof; fair value of use and occupancy; costs and disbursements herein.

Dated: Williston Park, New York

January 25, 2018

KIT REALTY INC.,

Petitioner

VERIFICATION

State of New York County of Nassau )ss:

HAROLD ROSENTHAL, being one of the attorneys for the petitioner herein, hereby affirms under the penalties of perjury and pursuant to CPLR § 2106 that he has read the foregoing petition and knows the contents thereof, and that upon information and belief, the same are true. The sources of your affiant's information and belief are oral statements, books and records furnished by the petitioner, its agents and/or employees, and material contained in the office files. This affirmation is made pursuant to RPAPL § 741.

Dated: Williston Park, New York

January 25, 2018

\_\_\_\_\_  
Harold Rosenthal

Horing Welikson & Rosen, P.C.

Attorneys for Petitioner

11 Hillside Avenue

Williston Park, New York 11596 (516) 535-1700

Hwr # 720024

**FIVE (5) DAYS NOTICE OF TERMINATION**

**TO: KUM GANG INC.**  
138-18/38 Northern Boulevard  
Flushing, NY 11354

**SUBJECT PREMISES:** 138-18/38 Northern Boulevard  
Flushing, NY 11354

**Additional copies sent by regular mail and certified mail to KUM GANG INC. at 945 Manhattan Ave., Brooklyn, NY 11222.**

**YOU ARE HEREBY NOTIFIED AND ADVISED** that the landlord does hereby elect to terminate your tenancy of the above described premises now held by you under leasehold hiring. Unless you remove from the premises by January 24<sup>th</sup>, 2018, the day on which your term expires pursuant to this Notice, the landlord will commence summary proceedings under the Statute to remove you from the premises for Holding Over after the expiration of your term. The reasons for the termination of your tenancy include, but are not limited to the following:

1. You have failed to correct and/or have the following violations removed in violation of Paragraph 6 of your lease, which requires you to be in compliance with any and all laws, rules and governmental orders.
2. The Fire Department of the City of New York has entered the following violations which to date have not been corrected. These violations include but are not limited to the following: 12  
ECB Violation #'s: 01144123R, 011455531R, 011455618J, 011492563Y, 011563570H,  
011430753L, 011422707K, 011404227M, 011431274Z, 011623299L, 0193653451,  
0193653460
3. Additionally the New York City Department of Health issued the following summons 17  
numbered 0881000020, 08881000039, 0881000048, 0881000057, 0881000066, 0881000075  
and 0881000084. A copy of the summons are attached.  
plus new vio's issued since.
4. You are in violation of your lease agreement in that your failure to comply with governmental directives has directly impacted the landlord's use of the subject premises and has subjected the Landlord to penalties and/or fines as a consequence of your breach of those governmental directives.
5. To date these violations still exist and have not been corrected.

**PLEASE TAKE FURTHER NOTICE** that termination of your tenancy is also based upon the fact that you have failed to comply with a Notice to Cure dated November 29<sup>th</sup>, 2017, which was served upon you by first-class mail and certified mail. (A copy of said Notice of Default is annexed hereto).

Dated: New York, New York  
January 9<sup>th</sup>, 2018

Kit Realty Inc., Landlord

By: Mary Pahl  
Mary Pahl, Managing Agent

Any inquiries regarding this Notice should be addressed in writing to Horing Welikson & Rosen, P.C., 11 Hillside Avenue, Williston Park, New York 11596. HWR 720024

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK, COUNTY OF NASSAU ss.:

Brooke Smith, being duly sworn deposes and says:

That on the 9<sup>th</sup> Day of January 2018, I mailed a true copy of the within-Five (5) Days Notice of Termination attached to the within-Thirty (30) Day Notice of Default, as well as, attached to the summons with the U.S. Postal Service within the State of New York as listed below:

(X) by regular mail

(X) by certified mail

Kum Gang Inc.  
138-18/38 Northern Blvd.  
Flushing, NY 11354

(Tracking #: 7015-1520-0001-4467-5369)



Brooke Smith

Sworn to before me this  
9<sup>th</sup> Day of January 2018

  
NOTARY PUBLIC

Ivory Frank  
Notary Public, State of New York  
No. 01FR6136542  
Qualified in Queens County  
Commission Expires November 7, 2021

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK, COUNTY OF NASSAU ss.:

Brooke Smith, being duly sworn deposes and says:

That on the 9<sup>th</sup> Day of January 2018, I mailed a true copy of the within-Five (5) Days Notice of Termination attached to the within-Thirty (30) Day Notice of Default, as well as, attached to the summons with the U.S. Postal Service within the State of New York as listed below:

(X) by regular mail

(X) by certified mail

Kum Gang Inc.  
945 Manhattan Avenue  
Brooklyn, NY 11222

(Tracking #: 7015-1520-0001-4467-5352)

  
\_\_\_\_\_  
Brooke Smith

Sworn to before me this  
9<sup>th</sup> Day of January 2018

  
\_\_\_\_\_  
NOTARY PUBLIC

Ivory Frank  
Notary Public, State of New York  
No. 01FR6136542  
Qualified in Queens County  
Commission Expires November 7, 2021

**THIRTY (30) DAY NOTICE OF DEFAULT**

**TO: KUM GANG INC.**  
138-18/38 Northern Boulevard  
Flushing, NY 11354

**SUBJECT PREMISES:** 138-18/38 Northern Boulevard  
Flushing, NY 11354

**Additional copies sent by regular mail and certified mail to KUM GANG INC at 945 Manhattan Ave., Brooklyn, NY 11222.**

**PLEASE TAKE NOTICE** pursuant to the your lease dated June 16, 2004 that you are in default of material obligations of your tenancy in the above subject premises, in that:

1. You have failed to correct and/or have the following violations removed in violation of Paragraph 6 of your lease, which requires you to be in compliance with any and all laws, rules and governmental orders.
2. The Fire Department of the City of New York has entered the following violations which to date have not been corrected. These violations include but are not limited to the following: ECB Violation #'s: 01144123R, 011455531R, 011455618J, 011492563Y, 011563570H, 011430753L, 011422707K, 011404227M, 011431274Z, 011623299L, 0193653451, 0193653460.
3. Additionally the New York City Department of Health issued the following summons numbered 0881000020, 08881000039, 0881000048, 0881000057, 0881000066, 0881000075, and 0881000084. A copy of the summons are attached.
4. You are in violation of your lease agreement in that your failure to comply with governmental directives has directly impacted the landlord's use of the subject premises and has subjected the Landlord to penalties and/or fines as a consequence of your breach of those governmental directives.

**PLEASE TAKE FURTHER NOTICE** that should you fail to cure said violations by January 9<sup>th</sup>, 2018, which is at least Thirty( 30 days from the date of service hereof, the landlord shall terminate your tenancy and, if necessary, commence summary proceedings for your removal from the premises as permitted under Paragraph 17 of the Lease.

**PLEASE TAKE FURTHER NOTICE** that notwithstanding the termination and the expiration of tenants' right, title and interest under the Lease if such notice is given, tenants' liability under all of the provisions of the Store Lease shall continue.

Dated: New York, New York  
November 29, 2017

Kit Realty Inc., Landlord

By: Mary Rahl  
Mary Rahl, Managing Agent

Any inquiries regarding this Notice should be addressed in writing to Horing Welikson & Rosen, P.C., 11 Hillside Avenue, Williston Park, New York 11596. HWK 720024.





FORWARDING - FOR CIVIL PENALTIES ONLY

**SUMMONS NUMBER: 0881000020**

**ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE**

**DIVISION: Environmental Health**

**BUREAU: Public Health Engineering**

**AGENCY ADDRESS AND PHONE NUMBER: 42-09 28th Street, 14th Floor, Queens, NY 11011 Phone: 347-396-6001**

**RESPONDENT: KIT REALTY INC /LEWIS & MURPHY REALTY, INC**

**DBA:**

**MAILING ADDRESS: 47 HILLSIDE AVE, MANHASSET, NY 11030**

**ID NUMBER: 2000010276**

**DATE OF OCCURRENCE: 09/21/2017**

**TIME OF OCCURENCE:**

**BOROUGH: Queens**

**PLACE OF OCCURRENCE: 138-28 Northern Boulevard, QUEENS, NY 11354**

You must respond to the Summons. You can appear on the hearing date and the location below or choose another option. For other options on how to respond, see the back of this page.

**HEARING DATE: 02/09/2018 AT: 08:30**

**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**

☐ Manhattan    ☐ Staten Island    ☐ Bronx    ☒ Queens    ☐ Brooklyn  
 66 John Street, 10th Floor    350 St. Marks Place    3030 Third Ave    144-06 94th Ave, Main Floor    9 Bond St, 7th Floor  
 New York, NY 10038    Staten Island, NY 10301    Bronx, NY 10455    Jamaica, NY 11435    Brooklyn, NY 11201

**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE.**

**REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.**

**WARNING:** If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.

**Details of Violation(s)**

**Maintenance Program and Plan Incomplete or not on premises**

**24 RCNY 58-03**

**AH8B**

**Mail-In Penalty: 500**

**Maximum Penalty: 1000**

**MPP lacks required information in that the following was missing: MPP contains an un-named Responsible Person; Responsible Person Phone is Missing**

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice.

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

**Kwock Liew / 3115**

**Inspector**

**818**

**Name/ID:**

**Rank/Title:**

**Agency Code:**

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.

**Received by:**

**Title:**

**Date:**



0881000020



SUMMONS - FOR CIVIL PENALTIES ONLY

**SUMMONS NUMBER: 0881000039****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE****DIVISION: Environmental Health****BUREAU: Public Health Engineering****AGENCY ADDRESS AND PHONE NUMBER: 42-09 28th Street, 14th Floor, Queens, NY 11101 Phone: 347-396-6001****RESPONDENT: KIT REALTY INC /LEWIS & MURPHY REALTY, INC****DBA:****MAILING ADDRESS: 47 HILLSIDE AVE, MANHASSET, NY 11030****ID NUMBER: 2000010276****DATE OF OCCURRENCE: 09/21/2017****TIME OF OCCURENCE:****BOROUGH: Queens****PLACE OF OCCURRENCE: 138-28 Northern Boulevard, QUEENS, NY 11354**

You must respond to the Summons. You can appear on the hearing date and the location below or choose another option. For other options on how to respond, see the back of this page.

**HEARING DATE: 02/09/2018 AT: 08:30****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**

<input type="checkbox"/> Manhattan	<input type="checkbox"/> Staten Island	<input type="checkbox"/> Bronx	<input checked="" type="checkbox"/> Queens	<input type="checkbox"/> Brooklyn
66 John Street, 10th Floor New York, NY 10038	350 St. Marks Place Staten Island, NY 10301	3030 Third Ave Bronx, NY 10455	144-06 94th Ave, Main Floor Jamaica, NY 11435	9 Bond St, 7th Floor Brooklyn, NY 11201

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**WARNING:** If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.

**Details of Violation(s)***Routine monitoring not conducted, documented at least once a week when tower is in use***24 RCNY 58-04(a)****AH8C****Mail-In Penalty: 500****Maximum Penalty: 1000***Routine system monitoring is not recorded weekly in that weekly system monitoring records were missing at time of inspection.*

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice.

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

**Kwock Liew / 3115****Inspector****818****Name/ID:****Rank/Title:****Agency Code:**

I acknowledge that I have received a copy of this Summons and Instructions for responding and that I am authorized to accept service of this Summons.

**Received by:****Title:****Date:**

0881000039



SUMMONS - FOR CIVIL PENALTIES ONLY

**SUMMONS NUMBER: 0881000048****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE****DIVISION: Environmental Health****BUREAU: Public Health Engineering****AGENCY ADDRESS AND PHONE NUMBER: 42-09 28th Street, 14th Floor, Queens, NY 11101 Phone: 347-396-6001****RESPONDENT: KIT REALTY INC /LEWIS & MURPHY REALTY, INC****DBA:****MAILING ADDRESS: 47 HILLSIDE AVE, MANHASSET, NY 11030****ID NUMBER: 2000010276****DATE OF OCCURRENCE: 09/21/2017****TIME OF OCCURENCE:****BOROUGH: Queens****PLACE OF OCCURRENCE: 138-28 Northern Boulevard, QUEENS, NY 11354**

You must respond to the Summons. You can appear on the hearing date and the location below or choose another option. For other options on how to respond, see the back of this page.

**HEARING DATE: 02/09/2018 AT: 08:30****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**

☐ Manhattan    ☐ Staten Island    ☐ Bronx    ☒ Queens    ☐ Brooklyn  
 66 John Street, 10th Floor    350 St. Marks Place    3030 Third Ave    144-06 94th Ave, Main Floor    9 Bond St, 7th Floor  
 New York, NY 10038    Staten Island, NY 10301    Bronx, NY 10455    Jamaica, NY 11435    Brooklyn, NY 11201

**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE.****REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.**

**WARNING:** If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.

**Details of Violation(s)*****Compliance inspections not conducted, documented at least once every 90 days when the tower is in use*****24 RCNY 58-04(b)****AH80****Mail-In Penalty: 500****Maximum Penalty: 1000**

*90 day compliance inspection(s) records are missing for the following dates: All compliance inspection records were missing at time of inspection. Operational records of compliance inspections are missing the following required elements: Presence Visible Contaminants; General Tower Condition; Basin Packing Material Condition; Drift Eliminator Condition; Make-up Controls Quality; Conductivity Control Functioning; Dosing Equipment Functioning; Review of Maintenance Records*

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice.

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

**Kwack Liew / 3115****Inspector****818****Name/ID:****Rank/Title:****Agency Code:**

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.

**Received by:****Title:****Date:**

0881000048



SUMMONS - 2019-10-28-19-15:06:35

**SUMMONS NUMBER: 0881000057****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE****DIVISION: Environmental Health****BUREAU: Public Health Engineering****AGENCY ADDRESS AND PHONE NUMBER: 42-09 28th Street, 14th Floor, Queens, NY 11101 Phone: 347-396-6001****RESPONDENT: KIT REALTY INC /LEWIS & MURPHY REALTY, INC****DBA:****MAILING ADDRESS: 47 HILLSIDE AVE, MANHASSET, NY 11030****ID NUMBER: 2000010276****DATE OF OCCURRENCE: 09/21/2017****TIME OF OCCURENCE:****BOROUGH: Queens****PLACE OF OCCURRENCE: 138-28 Northern Boulevard, QUEENS, NY 11354**

You must respond to the Summons. You can appear on the hearing date and the location below or choose another option. For other options on how to respond, see the back of this page.

**HEARING DATE: 02/09/2018 AT: 08:30****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**

☐ Manhattan    ☐ Staten Island    ☐ Bronx    ☒ Queens    ☐ Brooklyn  
 66 John Street, 10th Floor    350 St. Marks Place    3030 Third Ave    144-06 94th Ave, Main Floor    9 Bond St, 7th Floor  
 New York, NY 10038    Staten Island, NY 10301    Bronx, NY 10455    Jamaica, NY 11435    Brooklyn, NY 11201

**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE.****REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.**

**WARNING:** If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.

**Details of Violation(s)****Twice yearly or other required cleaning not conducted or documented****24 RCNY §8-04(d)****AH8F****Mail-In Penalty: 500****Maximum Penalty: 1000**

*Documentation of twice yearly cleaning (November 1, 2016 - November 1, 2017) was not provided at time of inspection.*

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice.

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

**Kwock Liew / 3115****Inspector****818****Name/ID:****Rank/Title:****Agency Code:**

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.

**Received by:****Title:****Date:**

0881000057



SUMMONS - FOR CIVIL PENALTIES ONLY

**SUMMONS NUMBER: 0881000066****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE****DIVISION: Environmental Health****BUREAU: Public Health Engineering****AGENCY ADDRESS AND PHONE NUMBER: 42-09 28th Street, 14th Floor, Queens, NY 11101 Phone: 347-396-6001****RESPONDENT: KIT REALTY INC /LEWIS & MURPHY REALTY, INC****DBA:****MAILING ADDRESS: 47 HILLSIDE AVE, MANHASSET, NY 11030****ID NUMBER: 2000010276****DATE OF OCCURRENCE: 09/21/2017****TIME OF OCCURRENCE:****BOROUGH: Queens****PLACE OF OCCURRENCE: 138-28 Northern Boulevard, QUEENS, NY 11354**

You must respond to the Summons. You can appear on the hearing date and the location below or choose another option. For other options on how to respond, see the back of this page.

**HEARING DATE: 02/09/2018 AT: 08:30****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**☐ Manhattan☐ Staten Island☐ Bronx☒ Queens☐ Brooklyn

66 John Street, 10th Floor

350 St. Marks Place

3030 Third Ave

144-06 94th Ave, Main Floor

9 Bond St, 7th Floor

New York, NY 10038

Staten Island, NY 10301

Bronx, NY 10455

Jamaica, NY 11435

Brooklyn, NY 11201

**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE.****REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.**

**WARNING:** If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.

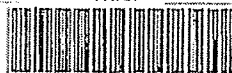
**Details of Violation(s)*****No records of all chemicals and biocides (C&B) added*****24 RCNY §8-05(c)(3)****AHBL****Mail-In Penalty: 500****Maximum Penalty: 1000*****Chemical and biocide records with time of addition and weekly amounts were not provided.***

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice.

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

**Kwock Liew / 3115****Inspector****818****Name/ID:****Rank/Title:****Agency Code:**

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.

**Received by:****Title:****Date:**

0881000066



SUMMONS - FOR CIVIL PENALTIES ONLY

**SUMMONS NUMBER: 0881000075****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE****DIVISION: Environmental Health****BUREAU: Public Health Engineering****AGENCY ADDRESS AND PHONE NUMBER: 42-09 28th Street, 14th Floor, Queens, NY 11101 Phone: 347-396-6001****RESPONDENT: KIT REALTY INC /LEWIS & MURPHY REALTY, INC****DBA:****MAILING ADDRESS: 47 HILLSIDE AVE, MANHASSET, NY 11030****ID NUMBER: 2000010276****DATE OF OCCURRENCE: 09/21/2017****TIME OF OCCURRENCE:****BOROUGH: Queens****PLACE OF OCCURRENCE: 138-28 Northern Boulevard, QUEENS, NY 11354**

You must respond to the Summons. You can appear on the hearing date and the location below or choose another option. For other options on how to respond, see the back of this page.

**HEARING DATE: 02/09/2018 AT: 08:30****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**

<input type="checkbox"/> Manhattan	<input type="checkbox"/> Staten Island	<input type="checkbox"/> Bronx	<input checked="" type="checkbox"/> Queens	<input type="checkbox"/> Brooklyn
66 John Street, 10th Floor New York, NY 10038	350 St. Marks Place Staten Island, NY 10301	3030 Third Ave Bronx, NY 10455	144-06 94th Ave, Main Floor Jamaica, NY 11435	9 Bond St, 7th Floor Brooklyn, NY 11201

**INSTRUCTIONS FOR RESPONDING TO THIS SUMMONS ARE ON THE BACK OF THIS PAGE.****REFER TO THE SUMMONS NUMBER ABOVE ON ALL CORRESPONDENCE.**

**WARNING:** If you do not show up for your hearing (or pay the penalty by mail if permitted) the Summons will be decided against you and penalties will be imposed. Your license may also be suspended or revoked. In addition, the City may enter a judgment against you in court.

**Details of Violation(s)****Failure to collect, analyze or record weekly biological process control indicators****24 RCNY 58-05(f)(2)****AH8R****Mail-In Penalty: 500****Maximum Penalty: 1000**

**Operational records provided at time of inspection did not include Bacteriological indicator (e.g. HPC) results for: All records prior to date 5/8/17 and after previous inspection in 2016 were missing.**

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice.

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

**Kwock Liew / 3115****Inspector****818****Name/ID:****Rank/Title:****Agency Code:**

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.

**Received by:****Title:****Date:**

0881000075



SUMMONS - FOR CIVIL PENALTIES ONLY

**SUMMONS NUMBER: 0881000084****ENFORCEMENT AGENCY NAME: DEPT. OF HEALTH AND MENTAL HYGIENE****DIVISION: Environmental Health****BUREAU: Public Health Engineering****AGENCY ADDRESS AND PHONE NUMBER: 42-09 28th Street, 14th Floor, Queens, NY 11101 Phone: 347-396-6001****RESPONDENT: KIT REALTY INC /LEWIS & MURPHY REALTY, INC****DBA:****MAILING ADDRESS: 47 HILLSIDE AVE, MANHASSET, NY 11030****ID NUMBER: 2000010276****DATE OF OCCURRENCE: 09/21/2017****TIME OF OCCURRENCE:****BOROUGH: Queens****PLACE OF OCCURRENCE: 138-28 Northern Boulevard, QUEEN5, NY 11354**

You must respond to the Summons. You can appear on the hearing date and the location below or choose another option. For other options on how to respond, see the back of this page.

**HEARING DATE: 02/09/2018 AT: 08:30****OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:**☐ Manhattan☐ Staten Island☐ Bronx☒ Queens☐ Brooklyn

66 John Street, 10th Floor

350 St. Marks Place

3030 Third Ave

144-06 94th Ave, Main Floor

9 Bond St, 7th Floor

New York, NY 10038

Staten Island, NY 10301

Bronx, NY 10455

Jamaica, NY 11435

Brooklyn, NY 11201

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**Details of Violation(s)*****Legionella samples not collected or analyzed, or results not recorded or reported to DOHMH as required*****24 RCNY §8-05(f)(3)****AH85****Mail-In Penalty: 1000****Maximum Penalty: 2000*****Records reviewed at time of inspection indicate required periodic Legionella Culture sampling was not performed.***

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings. For hearing options, see other side of this notice.

I, an employee of the agency named above, affirm under penalty of perjury that I personally observed the commission of the violation(s) charged above and/or verified their existence through a review of departmental records. False statements made herein are punishable as a Class A Misdemeanor pursuant to section 210.45 of the Penal Law.

**Kwock Liew / 3115****Inspector****818****Name/ID:****Rank/Title:****Agency Code:**

I acknowledge that I have received a copy of this Summons and instructions for responding and that I am authorized to accept service of this Summons.

**Received by:****Title:****Date:**

0881000084

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK, COUNTY OF NASSAU ss.:

Brooke Smith, being duly sworn deposes and says:

That on the 30<sup>th</sup> Day of November 2017, I mailed a true copy of the within-Thirty (30) Day Notice of Default attached to the summons, with the U.S. Postal Service within the State of New York as listed below:

(X) by regular mail

(X) by certified mail

Kum Gang Inc.  
138-18/38 Northern Blvd  
Flushing, NY 11354

(Tracking #: 7017-0190-0000-1657-2059)



\_\_\_\_\_  
Brooke Smith

Sworn to before me this the  
30<sup>th</sup> Day of November 2017

  
\_\_\_\_\_  
NOTARY PUBLIC

Ivory Frank  
Notary Public, State of New York  
No. 01FR6136542  
Qualified in Queens County  
Commission Expires November 7, 2021



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STATE OF NEW YORK, COUNTY OF NASSAU ss.:

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(X) by regular mail

(X) by certified mail

Kum Gang Inc.  
945 Manhattan Avenue  
Brooklyn, NY 11222

(Tracking #: 7017-0190-0000-1657-2042)



---

Brooke Smith

Sworn to before me this the  
30<sup>th</sup> Day of November 2017

  
NOTARY PUBLIC

Ivory Frank  
Notary Public, State of New York  
No. 01FR6136542  
Qualified in Queens County  
Commission Expires November 7, 2021

7015 1520 0001 4467 5369

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*Domestic Mail Only*

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Certified Mail Fee  
 \$

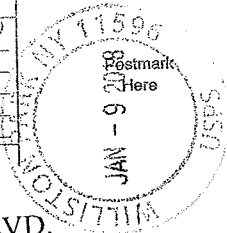
Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage  
 \$

**KUM GANG INC.**  
 138-18/38 NORTHERN BLVD.  
 FLUSHING, NY 11354

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7015 1520 0001 4467 5352

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 \$

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage  
 \$

**KUM GANG INC.**  
 945 MANHATTAN AVENUE  
 BROOKLYN, NY 11222

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7017 0190 0000 1657 2042

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**OFFICIAL USE**

Certified Mail Fee  
 \$

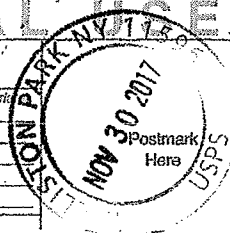
Extra Services & Fees (check box, add fee as appropriate)

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage  
 \$

**KUM GANG INC.**  
 945 MANHATTAN AVE.  
 BROOKLYN, NY 11222

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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**OFFICIAL USE**

Certified Mail Fee  
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